

July 13, 2010

TO THE MEMBERS OF THE UNITED STATES CONGRESS:

As employers who participate in multiemployer defined benefit plans, we are writing to express our concern about misinformation that has been circulating regarding H.R. 3936, the “Preserve Benefits and Jobs Act of 2009,” and S. 3157, the “Create Jobs and Save Benefits Act of 2010.”

Recent press stories have referred to the proposals as a “union bailout” and to multiemployer plans as “union plans.” However, this is not the case. In fact, contributions to these plans are funded entirely by employers, not unions.

As you may be aware, defined benefit plans have been negatively impacted by the recent financial crisis. Certain multiemployer plans within certain industries, however, have been particularly hard hit as the current financial crisis exacerbates long-term funding problems resulting from shifting demographic trends and financial problems, many of which are directly attributable to the unintended consequences of other, unrelated government policies. Admittedly, this is a difficult problem that will require difficult solutions.

While the funding relief provided in the recently-passed “Preservation of Access to Care for Medicare Beneficiaries and Pension Relief Act” is a first step, further reforms are needed. The proposals in H.R. 3936 and S. 3157 aim to correct problems associated with joint and several liability rules that govern these plans. Because of the nature of multiemployer plans, when one employer goes bankrupt, the remaining employers in the plan become responsible for paying the accrued benefits of all the workers—this is often referred to as “the last man standing.” As the number of employer participants dwindles, employers remaining in the plan see their liabilities increase exponentially—forcing them to cover retirees that never worked for them. H.R. 3936 and S. 3157 aim to address this inadequacy in the law, making these plans more stable for both employers and employees.

Without a real resolution to this problem, more employers will be forced into bankruptcy and more workers will be left without a secure retirement. We stand ready to work with Congress and all interested parties to resolve these issues as soon as possible.

Sincerely,

AABCO Sheet Metal Co., Inc.
ABF Freight System, Inc.
Advanced Integrated Services
Ag-Land FS, Inc.
Airstron Inc
Aker Construction Inc
Alfred Nickles Bakery, Inc.
Alger Trucking Co
All Southern Fabricators Inc

All Southern Fabricators LLC
Allegro Logistics-Chicago
Allen Electric Supply Co
Allied Ready Mix Co LLC
Allied Systems, Ltd.
Allstate Sheet Metal, Inc.
Anron Sheet Metal Corp
Apex Air Conditioning
Architectural Paving and Stone, Inc.
Aristeo Construction Company
Aristeo Rigging & Erectors, LLC
Aristeo Services, LLC
Associated Wholesale Grocers, Inc.
Auto Releasing Inc
Automated Building Components, Inc.
Barry Trucking, Inc.
Barton Malow Company
Bassett Mechanical
Bechtel Construction Company
Bellas Company dba Iron City Distributing
Bevans Steel Company
Big Inch Fabricators and Construction
Bloomington Lincoln Mercury
Blue Diamond Sheet Metal Inc
Boh Bros. Const. Co., LLC
Bootz Industries
Bowen Engineering Corporation
Brophy Air
Builder's Bloc
Builders Sales & Service Company
Buteyn-Peterson Construction Co., Inc.
Cailis Mechanical Corp
Central Allied Enterprises, Inc.
Central Storage & Warehouse Co.
Chai Eli Mechanical Corp.
Chemmasters Inc
Chicagoland Quad Cities
Choice Brands of Ohio
Circle "R" Mechanical, Inc. WBE
City of Hancock
Clifford H. Quay & Sons, Inc
Clifton Park Management
Commodore Cartage Company
ConAgra Foods, Inc.
ConGlobal Industries, Inc.
Cool-Breeze Air Conditioning

Cotter Merchandise Storage Co of Ohio
Country Pure Foods
Crane Rental Service, Arizona
Cristo Demolition, Inc.
CW Sheet Metal, Inc
Dairy Farmers of America
Days Corporation
Dean Foods Company
Debrino Caulking Associates, Inc.
Delta Trucking Co.
DHL
Distributors Terminal Corporation
Doan Companies
Donley's
Duffek Sand and Gravel, Inc.
Duncan & Cahill, Inc.
Duro Art Industries
Durr Mechanical Construction, Inc.
E.T. Simonds Construction Co.
Eagle Trucking Co.
Edd Helms Group
Edge Industries, Inc.
Edward C Levy Co
Employco Group ltd
Erickson Transport
Estes Construction
Ewald Dairy Inc
F.J. Folz Co., Inc.
Fargo Glass and Paint Co.
Ferguson Block Co., Inc.
Ferguson Enterprises, Inc.
Feutz Contractors, Inc.
Fidler, Inc.
Five Star Parking
Flow Masters Testing & Balancing, Inc.
Foltz Welding LTD
Force Construction Co., Inc.
Foremost Farms USA
Forest City Erectors, Inc.
Frate Service Inc
Fred Kinateder Masonry, Inc.
Fred McGilvray, Inc.
Fred Weber, Inc.
Freeman
Freight Management Inc
G V Cement Contracting Co

G&K Services
GA Masonry Ltd.
Gadbury Plumbing, Heating and Sheet Metal
Galloway Company
Ganley, Inc.
General Constructors
Gradex, Inc.
Graham Ship By Truck, Co.
Gundlach Champion, Inc.
Gunther Construction Co. & Subsidiaries
H D Griffin, Co.
H W Herrell Dist Co
H.B.D. Construction Inc.
Hankins Truck Lines, Inc.
Harris Steel Co
Hennes Services, Inc
Henry Nelch & Son, Co.
Hill York
Hostess Brands, Inc.
Howard L Bowers Construction, Co.
HP Hood LLC
Huth Ready Mix & Supply Co
H-Y Tech Mechanical & Construction Services, LLC
I-Go Van & Storage Co.
Illinois Valley Glass
Independent Sheet Metal
Industrial Steel Erectors, Inc
J. D. Streett & Company, Inc.
J. J. White Inc.
J.C.Harris & Sons, Inc.
J.E. Shekell Inc.
J.H. Routh Packing Company
J.W. Ossola Co, Inc.
Jack Cooper Transport Company, Inc.
James H. Maloy, Inc.
James Peterson Sons, Inc.
Jennings, Strouss and Salmon, PLC
John A. Van Den Bosch Freight LLC
John J. Kirlin, LLC
Kankakee Valley Construction Co.
KCI Construction Co.
Kellogg Company
Kemps LLC
Ken Curry Construction
Kenosha Releasing, Inc.
Kentucky Truck Sales, Inc.

Kimball Construction Co., Inc.
Kokosing Construction
Kuert Concrete, Inc.
Kuhlman Corp
La Porte Transit Co Inc
LADCO, Inc.
Lakeville Motor Express
LaKing Trucking Inc.
Land O'Lakes, Inc.
Landmark Ford, Inc.
Lassale Electric Supply Co.
Laura Buick-Pontiac-GMC, Inc.
Leicht Transfer & Storage Co.
Leo Journagan Construction Co, Inc.
Linbeck Group, LLC
Linde North America
Loch Sand and Construction Co.
Lyman Lumber Company
Lyman Lumber of Wisconsin, Inc.
M & M Truck Parts Sales Inc.
M C Gutherie Lumber Co.
Madison Electric Co.
Manson Construction Co.
Maple City Ice Co.
Mathie Supply, Inc.
McCausey Lumber Company, Inc.
McGough Construction Co., Inc
Messina Concrete Inc
Meyer Material Co.
Miami Air Mechanical, Inc. / Airtech AC
Michels Corporation
Midtown Transportation Co.
Midwest Fence Corp
Mike-sell's Potato Chip Company
Milford Sand & Gravel Co
Miller Transporters, Inc
Monarch Welding
Motor Rail Delivery
Murphy Company
N E Finch Co.
National Concrete Products
National Heating & Ventilating
National Ready Mix Co
Negwer Materials Inc
Nelson Air Device
Nemeth Glass Inc

Newell Rubbermaid
NewPage Corporation
Norandex Distribution, Inc.
Norrenberns Lumber
Norris Brothers Co., Inc.
North Electric Supply Co.
O'Neil Bros.
Oberlin Farms Dairy, LLC
Ohio Pure Foods, Inc.
Ohio Tar & Asphalt
Overhead Conveyor Co
P I & I Trucking Inc
Paddack Bros. Inc.
Parke Warehouses
Parma Movers, Inc.
Paul Cerame Ford-Lincoln-Mercury
Peoples Cartage Inc
Plenums Plus, LLC
Prairie Farms Dairy, Inc.
Prestressed Casting Co
Priester Co, Inc
Propane Service LLC
Pyramid Sheetmetal Co. Inc.
Quala Systems Inc
Quality Carriers, Inc.
R A Cullinan & Son, Inc.
R&R, Inc.
Raines Brothers, Inc of Tennessee
Rapid Ways Truck Leasing, Inc.
Redi-Mix Concrete Company
Republic Services, Inc.
Roberts Motors, Inc
Rock River Ready Mix, Inc.
Roundys Supermarkets Inc
Rowe Construction Co.
Royal Metal Works Inc.
Royden Construction
RR Donnelley
Ruben E. Smith Const.
Ryan Transportation Inc
Ryder System, Inc.
Safeway
Saginaw Asphalt Paving
Sam Greco Construction, Inc.
Sansumar, Inc.
Sara Lee Corporation

Schnuck Markets, Inc.
Schwebel Baking Co
Schwerman Trucking Co.
Seither & Cherry QC Inc
Sheet Metal Workers LU1
Slusser's Green Thumb, Inc.
Smith Dairy Products Company
Smock Fansler Corporation
Southeastern Chiller Services
Southern Mechanical Systems, Inc.
Spence Brothers
Spring Lake Park Lumber Company
Staley Cartage Co.
Standard Electric Co.
Standard Forwarding LLC
Stang Sales and Service
Stang Wisconsin Corp
Stark Excavating, Inc
Stenco Construction, LLC
Stephen Gross & Sons, Inc.
Stimpel-Wiebelhaus Associates, Inc.
Super Food Service, Inc.
SUPERVALU
Swanson Construction Company
Systems Management & Balancing, Inc.
T & M Asphalt Paving, Inc.
Tarlton Corporation
Teamsters Local 249
Technical Building Services
Teichert Construction
Tesar Industrial Contractors
The C J Zak Co Inc
The Harper Co.
The Kilian Corporation
The Kroger Co.
The Lincoln Moving & Storage Co.
The New York Roofing Company
The Tire Mart Inc
Thermo Air
Tramonte Distributing Company
Transport Support, Inc.
Transport, Inc.
Treiber Construction Company, Inc
Triangle Enterprises
Trinity
Turner Construction Company

Tuttle Construction, Inc.
Unisys
UPS
Van Horn Brothers Inc
Verifine Dairy Products Co.
Vidimos, Inc.
VM Systems, Inc.
W. S. Bellows Construction Corporation
Wagner Industries Inc
Walker Towel & Uniform Service
Wallover Oil Co.
Waters Mechanical
Weathertrol
Weber Sand & Gravel Inc.
Weir Cove Moving and Storage
Western Building Restoration Company, Inc.
Westfall GMC Truck, Inc
Wichita Transit
Williams Concrete, Inc.
Wixom Ready Mix
Wolf Transport Inc.
Wolverine Packing Co
Yahara Materials, Inc.
Yearout Mechanical, Inc.
Youngblood Lumber Co.
YRC Worldwide
Zenith Logistics

Employer Organizations:

AGC Houston
AGC of California
AGC of Colorado
AGC of Illinois
AGC of Metropolitan Washington DC
Agricultural Retailers Association
Alliance of Construction Professionals
American Bakers Association
American Society of Association Executives
American Trucking Associations
Associated General Contractors of America
Associated General Contractors of Michigan
Associated General Contractors of Northwest Ohio
Bay Area SMACNA Chapter Sheet Metal and Air Conditioning National Association
Building Contractors Association of Westchester and Mid-Hudson, Inc.
Construction Industry Council of Westchester and Hudson Valley, Inc.
Constructors Association of Western Pennsylvania

Eastern Contractors Association, Inc.
Egyptian Contractors Association
Engineering & Utility Contractors Association (EUCA)
Food Marketing Institute
Great Lakes Fabricators & Erectors Association
Independent Bakers Association
International Warehouse Logistics Association
Ironworker Employers Association of Western Pennsylvania, Inc.
Kansas City Chapter – AGC
Mason Contractors Association of Central Pennsylvania
Masonry Contractors of New Jersey
Mechanical Contractors Association of America (MCAA)
Mechanical Contractors Association of Central Florida (Tampa, FL)
Mechanical Contractors Association of Chicago
Mechanical Contractors Association of Cincinnati (OH)
Mechanical Contractors Association of Eastern Oklahoma
Mechanical Contractors Association of Eastern PA
Mechanical Contractors Association of Eastern PA Greater Delaware Valley
Mechanical Contractors Association of Greater Kansas City
Mechanical Contractors Association of Maryland
Mechanical Contractors Association of South Florida
Minnesota Mechanical Contractors Association
National Association of Manufacturers
National Association of Waterfront Employers
National Association of Wholesaler-Distributors
National Automobile Transporters Labor Division
National Council of Chain Restaurants
National Council of Farmer Cooperatives
National Electrical Contractors Association
National Finishing Contractors Association
National Retail Federation
New England Mechanical Contractors Association/Mechanical Service Contractors Association
Newspaper Association of America
Northern California Mechanical Contractors Association
Northern Indiana Sheet Metal Contractors Association
Ohio Contractors Association
Pipe Line Contractors Association
Printing Industries of America
Quality Construction Alliance
Service Contractors Association of Greater Delaware Valley
Sheet Metal & Air Conditioning Contractors Association of New York City, Inc. (NYC
SMACNA)
Sheet Metal & Air Conditioning Contractors National Association, Northern Indiana Chapter
Sheet Metal & Air Conditioning Contractors National Association, Oklahoma Chapter
Sheet Metal & Air Conditioning Contractors National Association, Southern Nevada Chapter
Sheet Metal and Air Conditioning Contractors National Association, NW Ohio Chapter

Sheet Metal and Air Conditioning Contractors National Association, San Diego, La Mesa, CA
Sheet Metal and Air Conditioning Contractors' National Association
Sheet Metal Contractors Association of Greater Cincinnati (SMACNA Cincinnati, OH)
Society for Human Resource Management
Southern Illinois Builders
The Arizona Chapter Associated General Contractors
The Associated General Contractors of Illinois
The Associated General Contractors of the Quad Cities
The Associated Sheet Metal and Roofing Contractors of CT
The Association of Food and Dairy Retailers, Wholesalers and Manufacturers
The Association of Union Constructors (TAUC)
The Bituminous Coal Operators' Association, Inc.
The Business Council of NYS
The Engineering & Utility Contractors Association
The Financial Services Roundtable
The International Council of Employers of Bricklayers and Allied Craftworkers (ICE)
Tri-Counties SMACNA
U.S. Chamber of Commerce